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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/029,326

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Gregory Roger Hamel

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EXAMINER

FLANDERS, ANDREW C

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,326

Applicant(s)

HAMEL, GREGORY ROGER

Examiner

Andrew C. Flanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 8 – 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (U.S. Patent Application Publication 2002/0164973) in view of Dwyer (U.S. Patent 6,671,567).

Regarding **Claims 1 and 11**, Janik discloses:

An audio storage and reproducing apparatus (title), comprising:

a storage medium for storing one or more encoded audio data files (i.e. a hard disk drive containing digital audio files; Fig. 1 element 234);

a data expander coupled to the storage medium for decoding the one or more encoded audio files (a microprocessor coupled to the hard drive to decode the digital audio files; Fig. 3 element 82; the microprocessor including an operating system which decodes digital audio files via the CODEC; paragraphs 100 and 105);

an audio output adapted to produce audio corresponding to an encoded audio file that has been decoded by the data expander (i.e. an audio signal output line; Fig. 3 element 286);

a personal computer network interface (Fig. 1 element 114)

a personal computer bus for transmitting data from the storage medium to the data expander and the audio output or from the storage medium to the network interface (i.e. the electronic components and sub-systems of the storage and data link unit 14 are functionally connected via a printed circuit board 118; paragraph 50).

Janik does not explicitly disclose that the personal computer network interface is adapted to facilitate the transfer of encoded audio files to an external storage device.

However, it is notoriously well known in the art to transfer audio files from one storage unit to another via a computer network. For instance, Dwyer teaches of a portable digital audio recorder adapted to transfer digital audio files from portable recorders to other devices such as PC's (col. 1 lines 39 – 57). It would have been obvious to use Dwyer's teachings to modify Janik's device to enable it to send audio files back to the system. One would have been motivated to do so to prevent accidental information loss. Dwyer's system automatically updates the database in the automotive module (paragraph 108). If a user accidentally deleted a music file from the base PC system (18) but had already transferred it to the remote device, it would be desirable to be able to restore it to the PC via the automatic database updating. The user would just indicate to the PC not to delete audio files from the remote location that had been accidentally deleted prior to synchronization.

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1, the combination of Janik in view of Dwyer discloses wherein the storage medium comprises a hard disk drive (Fig 1 element 234 in Janik).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1, the combination of Janik in view of Dwyer discloses wherein the storage medium comprises a flash memory device (i.e. the mass storage memory can include flash memory; paragraph 133 in Janik).

Regarding **Claims 8 and 14**, in addition to the elements stated above regarding claims 1 and 11, the combination of Janik in view of Dwyer further discloses wherein the audio output is adapted to be coupled to an audio input of a vehicle system (i.e. the terminal is adapted to plug directly into the line level inputs in a car stereo; paragraph 59 in Janik).

Regarding **Claim 9**, in addition to the elements stated above regarding claim 1, the combination of Janik in view of Dwyer further discloses a personal computer network interface (i.e. a wireless LAN interface; Fig. 1 element 114).

The combination does not disclose that the network interface includes an Ethernet port. However, the examiner takes official notice that Ethernet ports are notoriously well known in the art for networking computer components together. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an Ethernet port as a substitute for the wireless LAN disclosed in the combination. One would have been motivated to do so in order to prevent unauthorized access of the data stored on the computer system. Unauthorized users in remote locations could

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access wireless LANs. A hard-wired system such as one including an Ethernet port would prevent this and thus be desirable.

Regarding **Claim 10**, in addition to the elements stated above regarding claim 1, the combination of Janik in view of Dwyer further discloses one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle audio system (i.e. the storage and data link may be locked onto the vehicle dock using two attachment latches; paragraph 52).

Claims 4 – 7, 12 – 13 and 15 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (U.S. Patent Application Publication 2002/0164973) in view of Dwyer (U.S. Patent 6,671,567) and in further view of PC Works (Cambridge Sound Works amplified speaker system manual)

Regarding **Claims 4 and 12**, in addition to the elements stated above regarding claims 1 and 11, the combination of Janik in view of Dwyer discloses an audio output (i.e. the audio output can be line level outputs; paragraph 59).

The combination fails to disclose wherein the audio output includes one or more speakers.

PC Works discloses:

one or more speakers (the speakers on page 13 and the entire document).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the combination of Janik and Dwyer's line outputs to the speakers to the line input of PC Works powered speakers (the speakers accept a line out from a computer system; Page 4 of PC Works). One would have been motivated to do so to further allow the combination to be used in a home allowing users access to the same play lists without requiring full use of the computer system (paragraph 14 in Janik).

Regarding **Claims 5 and 13**, in addition to the elements stated above regarding claims 4 and 12, the combination of Janik in view of Dwyer in further view of PC Works further discloses an amplifier to process an encoded audio data file that has been decoded by the data expander for transmission through the audio output (i.e. an amplifier for amplifying the speakers; PC Works page 13).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 4, the combination of Janik in view of Dwyer in further view of PC Works further discloses wherein the one or more speakers can be selectively detached from said apparatus (i.e. it is inherent that detaching the line input selectively detaches the speakers; PC Works page 13).

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6, the combination of Janik in view of Dwyer in further view of PC Works further discloses wherein the audio output further includes a terminal that is exposed upon detachment of

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the one or more speakers that is adapted to be coupled to an audio input of a vehicle audio system (i.e. it is inherent that when Janik's line outputs are detached from PC Works speakers, there is a terminal exposed and this terminal is adapted to plug directly into the line level inputs in a car stereo; paragraph 59 in Janik).

Regarding **Claim 15**, Janik discloses:

An audio storage and reproducing apparatus capable of selective operation as an addressable member of a computer network and an in vehicle audio player (abstract) said apparatus comprising:

a storage medium for storing one or more encoded audio data files a storage medium for storing one or more encoded audio data files (i.e. a hard disk drive containing digital audio files; Fig. 1 element 234);

a data expander coupled to the storage medium for decoding the one or more encoded audio data files (a microprocessor coupled to the hard drive to decode the digital audio files; Fig. 3 element 82; the microprocessor including an operating system which decodes digital audio files via the CODEC; paragraphs 100 and 105);

an input key operable connected to the data expander (i.e. controls connected to the microprocessor via connection 290 in Fig. 3);

an audio output adapted to produce audio corresponding to an encoded audio data file that has been decoded by the data expander (i.e. an audio signal output line; Fig. 3 element 286);

a network protocol adapted to allow other members of said network to access the storage medium when said apparatus is operating as an addressable member of a computer network (i.e. using the TCP/IP standard to connect via the wireless LAN access point; paragraph 49);

a network interface adapted to operable connect said apparatus to said network (i.e. the wireless LAN connection in Fig.1 element 114); and

one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle operating system (i.e. the storage and data link may be locked onto the vehicle dock using two attachment latches; paragraph 52).

Janik does not disclose the player as a stand alone player.

PC Works discloses amplified speakers with a line input (page 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to connect PC Works speakers to Janik's player thereby making it a stand alone unit. One would have been motivated to do so to play the music stored on Janik's player in a remote location away from the vehicle and main computer, i.e. a vacation house or friend's house.

Regarding **Claim 16**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of PC Works further discloses wherein the storage medium comprises a hard disk drive (i.e. a hard disk drive containing digital audio files; Fig. 1 element 234 in Janik).

Regarding **Claim 17**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of PC Works further discloses wherein the storage medium comprises a flash memory device (i.e. the mass storage memory can include flash memory; paragraph 133 in Janik).

Regarding **Claim 18**, in addition to the elements stated above regarding claim 15, the combination of Janik in view of PC Works further discloses:

an audio output (i.e. the audio output can be line level outputs; paragraph 59 in Janik);

one or more speakers (i.e. the speakers in PC Works on page 17 can be attached to Janik's line level outputs via the line in input);

and a connector for coupling the audio output to an audio input of a vehicle audio system (i.e. the terminal is adapted to plug directly into the line level inputs in a car stereo; paragraph 59 in Janik).

The combination fails to explicitly disclose a headphone jack. However, Examiner takes official notice that it is notoriously well known in the art to substitute headphones in place of speakers when reproducing audio. One would have been motivated to do so in order to prevent others from hearing the playback and thereby not disturbing them.

Regarding **Claim 19**, in addition to the elements stated above regarding claim 18, the combination of Janik in view of PC Works further discloses:

wherein the one or more speakers can be selectively detached from said apparatus (i.e. it is inherent that detaching the line input selectively detaches the speakers; PC Works page 13).

Regarding **Claim 20**, in addition to the elements stated above regarding claim 18, the combination of Janik in view of PC Works further discloses:

a rechargeable power supply (i.e. a rechargeable batter; Fig. 3 element 122).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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